



August 21, 2018

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

RE: Request for Waiver of Invoice Deadline for Funding Year 2016
CC: Docket 02-6

Contact:
Jill Leavenworth
President
E-Rate Strategies, LLC
51 Woodland Road, Suite 6
Cape Elizabeth, ME 04107
603-659-5900
jill@e-ratestategies.com

FCC Form 471 Application #: 161016159

Dear Ms. Dortch,

I am writing on behalf of the University of New Hampshire – Dept. of Telecommunications (UNH). The service provider's 498 Filer ID is 143006548.

UNH would like to request that the FCC grant a waiver of the Funding Year 2016 invoice deadline and allow them to file a successful Form 474 for FRN 1699032376.

By way of background, in June of 2017 the staff member who for several years had been handling all E-Rate forms left abruptly. E-Rate related tasks then fell to a new staff person with no prior experience with the E-Rate program. The new staff person reviewed the available inhouse documentation and placed repeated calls to the Client Service Bureau (CSB) in an effort to learn more about what needed to be done. Their documentation *seemed* to indicate that the correct numbers to use on a **2016** Form 474 were **2015** Form 471 # 1033240 and FRN 2809014.

As a result, just as the 2016 funding year ended, the new staff person attempted to file a timely 2016 Form 474 based on the information that had been left for him regarding this particular applicant. This led to UNH filing a timely Form 474 on July 6, 2017 - but for an FRN from the previous year. Calls to the CSB did not help to clarify what had gone wrong with this 1st Form 474 because CSB representatives did not realize the service provider intended to file a Form 474 for the 2016 funding year and should have been referencing a 2016 FRN.

Several factors resulted in this Form 474 not being successful. The 471 and FRN numbers were wrong, but another issue was that the “Total Amount (UnDiscounted)” was entered as a lump sum, not broken out into separate lines with the associated “Bill Date”. This was due to the fact that the new staff person who was learning about E-Rate was following the format of the forms completed by his predecessor in previous years. All of this resulted in the 1st Form 474 not being paid. A copy of this Form 474 2621859 is attached.

On July 11, 2017, UNH received a Remittance Statement which indicated that the 1st Form 474 had failed. At this point a 2nd Form 474 was filed. This was Form 474 # 2636956. Customer Service Case # 189201 was opened on August 1, 2017 as UNH tried to determine the status of their 2nd Form 474.

The 2nd Form 474 failed as well, due to the same issues. The service provider did not then understand what had caused the 1st Form 474 to fail. A Remittance Statement for this Form 474 was received on July 20, 2017. A copy is attached.

Additional calls to the CSB produced new information and a 3rd Form 474 was filed on September 26, 2017. However, it appears that the 471 and FRN numbers had been corrected, but the “Bill Dates” were still incorrect and that form failed also. This was Form 474 # 2695526.

Increasingly concerned, UNH escalated this issue within USAC. This resulted in a conference call involving USAC and the several representatives of UNH led to the first FCC Appeal being filed on November 3, 2017. This was only four (4) days after the invoice deadline of October 30, 2017.

The ID for this November 3, 2017 appeal is 1103113849649. A copy is attached. This request appears to have been submitted as a Comment, as opposed to a Request for Waiver. However, it seems to have been processed as a Request for Waiver. A copy of this Comment is attached.

On December 29, 2017 the FCC issued a Public Notice and denied UNH’s Request for Waiver. This Public Notice was mailed with a cover memo on January 2, 2018. Unfortunately, the memo and Public Notice was sent to the attention of Jerry Hunter who is the *applicant contact*, not the service provider contact. The mailing address was correct, but the individual the letter was addressed to was incorrect. As a result, the Public Notice did not reach the appropriate department within UNH in a timely fashion.

On March 5, 2018 UNH opened a case with the CSB regarding an Extension Request. UNH had discovered that invoice deadline extensions could be requested, but learned it was now too late to file that type of request.

Having received the Public Notice many weeks after it was sent, UNH realized they needed to respond to the FCC by filing any Request for Waiver that contained more information. And so, on March 12, 2018 UNH filed another Comment with the FCC. This was only ten (10) days after what might have been the deadline for appeal if the Public Notice had been mailed to the correct person, Luke Cahoon.

The ID for this March 12, 2018 Comment is 1031295610502. It is unclear whether this was also reviewed and processed as a Request for Waiver. UNH never received a Public Notice regarding the outcome of this Comment/Request for Waiver. We are wondering if perhaps a notice was sent, but again, to the *applicant contact* at the service provider's address. A copy is attached.

In the absence of information about their March 12th Request for Waiver, CSB Case Number 239226 was created on June 7, 2018. It contains the description, "Ongoing issues with invoicing". UNH was still being conscientious and making a concerted effort to follow the instructions they were given regarding the E-Rate process.

Finally, on June 22, 2018 UNH received a Revised Funding Commitment Decision Letter (RFCDL) with a Review Status of "denied". It is unclear whether this was the result of the FCC Request for Waiver that was submitted on March 12, 2018. A copy is attached.

In summary, UNH filed three (3) Forms 474 in an attempt to be reimbursed for service provided to a single NH school. After all three failed, they missed the invoice deadline by only four (4) days. Once they discovered the 3rd form had not resulted in reimbursements, they immediately attempted to file an FCC Request for Waiver of the invoice deadline. However, being new to the system, they twice filed a Comment, as opposed to a Request for Waiver.

It seems that during this process it would have been helpful if the CSB could have let the staff at UNH know that they had the opportunity to file an extension request when they called to try to find out why the 3rd Form 474 dated September 26, 2017 also failed.

In conclusion, UNH is primarily a university, not a large telecommunications company. They have had only two (2) E-Rate customers each year since 2011. They have also been filing only one (1) Form 474 each year since 2011. They have not required extensive E-Rate expertise in order to file one (1) Form 474 per year.

In spite of the sudden staff change in June of 2017, UNH moved forward and took advantage of the available resources in their multiple attempts to file a timely, accurate Form 474. The nature of the staffing change did not allow time for inhouse E-Rate training or the transfer of information regarding how to handle the E-Rate process.

I am filing this request for waiver and understand that there is a precedent for the FCC approving Requests for Waiver if there have been a ministerial or clerical error, and/or there are extenuating

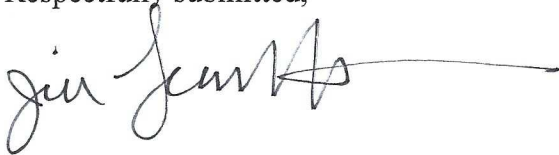
circumstances. We believe the timeline of events included in this Request for Waiver indicates a concerted and honest effort to file an accurate Form 474, on time, and in compliance with all E-

Rate rules and regulations. All errors were not fraudulent, but the result of lack of training and information.

Ultimately, after receiving the June 22, 2018 RFCDL, UNH contacted E-Rate Strategies, LLC to request assistance with the E-Rate filing process. They now have all of the assistance they need in order to file an accurate Form 474.

I respectfully request that the FCC consider this request and grant an invoice deadline waiver.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jill Leavenworth", followed by a long horizontal line extending to the right.

Jill Leavenworth
President
E-Rate Strategies, LLC
51 Woodland Road, Suite 6
Cape Elizabeth, ME 04107

P: 603-659-5900

E: jill@e-ratestategies.com

**IMPORTANT**

**Please record this invoice's information in a secure place for
future records**

InvoiceID: 2621859

Security Code: 40926

Continue>>

[Home](#) | Client Service Bureau: 1-888-203-8100

1997-2017 © , Universal Service Administrative Company, All Rights Reserved.



Form 474 - Block 2: Funding Request Number Information

6. Form 471 Application Number 1032240
7. Funding Request Number 2809014
8. Bill Frequency Quarterly
Complete items 9 or 10 - not both
9. Customer Billed Date (mm/yyyy)
10. Shipping Date to Customer or Last Day Of Work Performed (mm/dd/yyyy) 06/30/2017
11. Total (Undiscounted) Amount for Service per FRN 29100
12. Discount Rate 78
13. Discount Amount Billed to USAC 22675.20

Block 1 **Save FRN** **Question/Problem**

FRN's added so far:

| 471# | FRN | Bill Frequency | Bill Date | Delivery Date | Total Amount(UnDiscounted) | Discount Rate | Total Discount Amount | | Delete |
|---------|---------|----------------|-----------|---------------|----------------------------|---------------|--------------------------|----------------------|-------------------|
| 1032240 | 2809014 | QUARTERLY | | 06/30/2017 | 29100 | 78 | 22675.20 | Edit | x |
| | | | | | | | Total:\$22,675.20 | | |

Save & Exit **Block 3**

[Home](#) | Client Service Bureau: 1-888-203-8100

1997-2017 © , Universal Service Administrative Company, All Rights Reserved.

| | | |
|---|---|---|
| FCC Form 474 | <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> Do not write in this space. </div> | Approved by OMB OMB Control No. 3060 – 0856 Estimated time per response: 1.0 hour |
| Schools and Libraries Universal Service Service Provider Invoice FCC Form 474 | | |
| Please read instructions before completing Service Provider Form Identifier <u>143006548</u> (Create an identifier for your own reference) | | FCC Form 474 Invoice # <u>2621859</u> (To be inserted by administrator) |
| Block 1: Service Provider Information | | |
| 1. Service Provider Name <u>University of New Hampshire</u> | | |
| 2. Service Provider Identification Number (SPIN) <u>143006548</u> | | |
| 3. Contact Person's Name <u>Luke Cahoon</u> | | |
| 4. Contact Telephone Number Area Code: <u>603</u> Phone Number: <u>8622192</u> Ext. <u></u> | | |
| Contact Fax Number Area Code: <u></u> Fax Number: <u></u> | | |
| Contact Email Address <u>luke.cahoon@unh.edu</u> | | |
| 5. Total Invoice Amount (total of Block 2, Column 13) <u>22675.20</u> | | |
| Page 1 of 4 | FCC Form 474 | July 2016 |

| | |
|---|--------------------------|
| Service Provider Invoice FCC Form 474 | |
| Service Provider Form Identifier <u>143006548</u> | |
| Contact Person <u>Luke Cahoon</u> | |
| Contact Telephone Number <u>603-8622192</u> | |
| Block 3: Service Provider Certifications & Signature | |
| I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Service Provider Invoice Form (FCC Form 474) and acknowledge to the best of my knowledge, information and belief, as follows: | |
| <input checked="" type="checkbox"/> A. I certify that this Service Provider is in compliance with the rules and orders governing the schools and libraries universal service support program and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. | |
| <input checked="" type="checkbox"/> B. I certify that the certifications made on the Service Provider Annual Certification Form (FCC Form 473) by this Service Provider are true and correct. | |
| <input checked="" type="checkbox"/> C. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities. | |
| 14. Signature of authorized person <input checked="" type="checkbox"/> | 15. Date 7/6/2017 |
| 16. Printed name of authorized person Luke Cahoon | |
| 17. Title or position of authorized person Manager | |
| 18. Telephone number of authorized person 603-8622192 | |
| 19. Address of authorized person 1 Leavitt Lane Durham NH, 03824 | |

Form 474 Menu **Question/Problem**

[Home](#) | Client Service Bureau: 1-888-203-8100

1997-2017 © , Universal Service Administrative Company, All Rights Reserved.



Universal Service
Administrative Co.

Company Name: University of New Hampshire - Dept. of Telecommunications
Form 498 ID: 143006548

User: Linda Goulette | [Log Out of E-File](#)
(/ServiceProvider/V1/Account/RedirectToSingleSingOut)

FCC FORM 498 — FORM CERTIFICATION CONFIRMATION



Your FCC Form 498 has been submitted and certified.

You have successfully completed the online submission and certification process.

Thank you for using USAC's online filing application.

[Return to E-File](#)

© 1997-2017 Universal Service Administrative Company, All Rights Reserved

[Website Tour \(https://www.usac.org/tour.aspx\)](https://www.usac.org/tour.aspx) | [Website & Privacy Policies \(https://www.usac.org/website-policy.aspx\)](https://www.usac.org/website-policy.aspx) | [Website Feedback \(https://www.usac.org/about/tools/contact/feedback.aspx\)](https://www.usac.org/about/tools/contact/feedback.aspx)

Jill Leavenworth

From: Cahoon, Luke <Luke.Cahoon@unh.edu>
Sent: Tuesday, August 21, 2018 4:00 PM
To: Jill Leavenworth
Subject: FW: SCHOOLS AND LIBRARIES PROGRAM REMITTANCE STATEMENT
Attachments: SPI_143006548_Luke.Cahoon@unh.edu_07112017.doc

From: CustomerSupport@usac.org <CustomerSupport@usac.org>
Sent: Tuesday, July 11, 2017 6:55 AM
To: Cahoon, Luke <Luke.Cahoon@unh.edu>
Subject: SCHOOLS AND LIBRARIES PROGRAM REMITTANCE STATEMENT



Attached are the electronic disbursement remittance statements for payments made from the universal service fund. Please do not respond to this message. If you have any questions or problems with the format of these statements, please contact our Customer Operations team at (888) 641-8722.

If you have questions or difficulty opening or understanding the format of your electronic remittance statement, please refer to the [electronic remittance statement instructions](#).

Thank You,

USAC Customer Operations
(888) 641-8722 (Toll Free)
[Customer Operations](#) | www.usac.org

143006548|University of New Hampshire - Dept. of
Telecommunications|Luke.Cahoon@unh.edu|usacstatement@universalservice.org
|1|\$0.00|Schools And Libraries|As of July 11, 2017
SPI|143006548|143006548|2809014|"SLD Invoice Number:2621859;Line Item
Detail Number:8696918;Amount Requested:22675.20;Invoice Received Date
[07/06/2017] Later Than Invoice Acceptable End Date [10/31/2016];12;Ship
Date> [90] days 471 Term or Cnt Ext;68;Shipped Date after [06/30/2016]
fund yr;mnthly cost;78;Ship Date After Contract Expiration Date;226;Ship
Date Outside of Funding Year;286;No Payment, Total Commitment
Paid;1200;"|062016|\$0.00

Your Total Actual Disbursement: \$0.00.

Jill Leavenworth

From: Cahoon, Luke <Luke.Cahoon@unh.edu>
Sent: Tuesday, August 21, 2018 3:29 PM
To: Jill Leavenworth
Subject: FW: SCHOOLS AND LIBRARIES PROGRAM REMITTANCE STATEMENT
Attachments: SPI_143006548_Luke.Cahoon@unh.edu_07202017.doc

From: CustomerSupport@usac.org <CustomerSupport@usac.org>
Sent: Thursday, July 20, 2017 4:55 PM
To: Cahoon, Luke <Luke.Cahoon@unh.edu>
Subject: SCHOOLS AND LIBRARIES PROGRAM REMITTANCE STATEMENT



Attached are the electronic disbursement remittance statements for payments made from the universal service fund. Please do not respond to this message. If you have any questions or problems with the format of these statements, please contact our Customer Operations team at (888) 641-8722.

If you have questions or difficulty opening or understanding the format of your electronic remittance statement, please refer to the [electronic remittance statement instructions](#).

Thank You,

USAC Customer Operations
(888) 641-8722 (Toll Free)
[Customer Operations](#) | www.usac.org

143006548|University of New Hampshire - Dept. of
Telecommunications|Luke.Cahoon@unh.edu|usacstatement@universalservice.org
|1|\$0.00|Schools And Libraries|As of July 20, 2017
SPI|143006548|CrotchedMtn2017|2809014|"SLD Invoice Number:2636956;Line
Item Detail Number:8725034;Amount Requested:22675.20;Invoice Received
Date [07/19/2017] Later Than Invoice Acceptable End Date
[10/31/2016];12;Ship Date> [90] days 471 Term or Cnt Ext;68;Shipped Date
after [06/30/2016] fund yr;mnthly cost;78;Ship Date After Contract
Expiration Date;226;Ship Date Outside of Funding Year;286;No Payment,
Total Commitment Paid;1200;"|062016|\$0.00

Your Total Actual Disbursement: \$0.00.

Jill Leavenworth

From: Cahoon, Luke <Luke.Cahoon@unh.edu>
Sent: Tuesday, August 21, 2018 3:29 PM
To: Jill Leavenworth
Subject: FW: EPC Notification - Case #189201 has been modified

From: portal@usac.org <portal@usac.org> **On Behalf Of** EPC Application Administrator
Sent: Tuesday, August 1, 2017 1:53 PM
To: Cahoon, Luke <Luke.Cahoon@unh.edu>; Cahoon, Luke <Luke.Cahoon@unh.edu>
Subject: EPC Notification - Case #189201 has been modified



Hello,

Additional Information regarding case # 189201 has been provided. Please review the case and take appropriate action.

[Click here to view the case dashboard](#)

Thank you,

Universal Service Administrative Company

NOTE: Please do not reply to this email.

This message has been sent by EPC

Jill Leavenworth

From: Cahoon, Luke <Luke.Cahoon@unh.edu>
Sent: Tuesday, August 21, 2018 3:40 PM
To: Jill Leavenworth
Subject: FW: USAC Notification: New Customer Service Case Created

From: portal@usac.org <portal@usac.org> **On Behalf Of** EPC Application Administrator
Sent: Tuesday, August 1, 2017 1:39 PM
To: Cahoon, Luke <Luke.Cahoon@unh.edu>
Subject: USAC Notification: New Customer Service Case Created



Hello,

The USAC Client Service Bureau has created the following case:

Description: The caller asked about SPI 2636956.
Priority: Medium
Created By: Samuel Piper
Received: 8/1/2017 1:38 PM EDT
Case Number: 189201

If the details of the case are not correct, you may view/modify the case record [here](#) or contact us by phone at (888) 203-8100.

Thank you.

Universal Service Administration Company

NOTE: Please do not reply to this email.

This message has been sent by EPC



IMPORTANT

**Please record this invoice's information in a secure place for
future records**

**InvoiceID: 2695526
Security Code: 48678**

[Continue>>](#)

[Home](#) | Client Service Bureau: 1-888-203-8100

1997-2017 © , Universal Service Administrative Company, All Rights Reserved.

| | | |
|--|--|---|
| FCC Form 474 | <div>Do not write in this space.</div> | Approved by OMB OMB Control No. 3060 – 0856 Estimated time per response: 1.0 hour |
| <div>Please read instructions before completing</div> <div>Schools and Libraries Universal Service Service Provider Invoice FCC Form 474</div> | | |
| Service Provider Form Identifier <u>CMTN</u> FY17 (Create an identifier for your own reference) | | FCC Form 474 Invoice # <u>2695526</u> (To be inserted by administrator) |
| Block 1: Service Provider Information | | |
| 1. Service Provider Name University of New Hampshire | | |
| 2. Service Provider Identification Number (SPIN) 143006548 | | |
| 3. Contact Person's Name Luke Cahoon | | |
| 4. Contact Telephone Number Area Code: 603 Phone Number: 8622192 Ext. | | |
| Contact Fax Number Area Code: Fax Number: | | |
| Contact Email Address luke.cahoon@unh.edu | | |
| 5. Total Invoice Amount (total of Block 2, Column 13) 22675.20 | | |

Approved by OMB
OMB Control No. 3060 – 0856

| | |
|---|---------------------------|
| Service Provider Invoice FCC Form 474 | |
| Service Provider Form Identifier <u>CMTN FY17</u> | |
| Contact Person <u>Luke Cahoon</u> | |
| Contact Telephone Number <u>603-8622192</u> | |
| Block 3: Service Provider Certifications & Signature | |
| I declare under penalty of perjury that the foregoing is true and correct and that I am authorized to submit this Service Provider Invoice Form (FCC Form 474) and acknowledge to the best of my knowledge, information and belief, as follows: | |
| <input checked="" type="checkbox"/> A. I certify that this Service Provider is in compliance with the rules and orders governing the schools and libraries universal service support program and I acknowledge that failure to be in compliance and remain in compliance with those rules and orders may result in the denial of discount funding and/or cancellation of funding commitments. | |
| <input checked="" type="checkbox"/> B. I certify that the certifications made on the Service Provider Annual Certification Form (FCC Form 473) by this Service Provider are true and correct. | |
| <input checked="" type="checkbox"/> C. I acknowledge that failure to comply with the rules and orders governing the schools and libraries universal service support program could result in civil or criminal prosecution by law enforcement authorities. | |
| 14. Signature of authorized person <input checked="" type="checkbox"/> | 15. Date 9/26/2017 |
| 16. Printed name of authorized person Luke Cahoon | |
| 17. Title or position of authorized person Manager | |
| 18. Telephone number of authorized person 603-8622192 | |
| 19. Address of authorized person 1 Leavitt Lane Durham NH, 03824 | |

Form 474 Menu Question/Problem

[Home](#) | Client Service Bureau: 1-888-203-8100

1997-2017 © , Universal Service Administrative Company, All Rights Reserved.

| | | | |
|-----------------------|--|---|-----------------------|
| ID | 1103113849649 | Proceedings | WC 09-197 CC 02-6 |
| Name of Filer | 1 | | |
| Type of Filing | COMMENT | Filing Status | DISSEMINATED |
| Viewing Status | Unrestricted | | |
| Date Received | Nov 3, 2017 | Date Posted | Nov 3, 2017 |
| Address | 1 Leavitt Lane UNH IT Business Service Center | City State ZIP | Durham NH 03824 |
| Brief Comment | <p>Hello. I have been trying to submit a 474 form for Erate reimbursement on behalf of the University of New Hampshire. We (UNH telecommunications) are a service provider who provides services to an eligible organization (Crotched Mountain). I have submitted the form several times and keep getting notified that our disbursement amount is \$0. I have called customer support several times to try and fix the issue. I was advised to enter specific dates but every time I followed the instructions given to me on the phone I still received the same email notification that our disbursement didn't go through. I called today and I think the issue is finally resolved. However, I was told that now I need to file an appeal because it is beyond 120 days from the end of the contract (Crotched Mountain is an on-going client of ours but I guess the end of the contract refers to the end of the fiscal year 6/30/17). I ask for a one-time extension or waiver of the 120 day deadline because I have made several attempts to resolve this issue and get my form submitted within the time window. USAC customer service has been friendly but I feel like I was given inaccurate and/or incomplete information when I called on numerous occasions.</p> | | |

For assistance with using ECFS, please contact the ECFS Help Desk at 202-418-0193 (tel:+12024180193) or via email at ECFSHelp@fcc.gov (mailto:ECFSHelp@fcc.gov).

ECFS Express

1 [Comment](#) 2 [Review](#) 3 [Confirmation](#) (/ecfs/filings/express/confirm)

Proceeding: 09-197, 02-6
Confirmation #: 20171103007356414
Submitted: Nov 3, 2017 12:55:04 PM
Status: RECEIVED
Name(s) of Filer(s): 1
Primary Contact Email: luke.cahoon@unh.edu
Address: 1 Leavitt Lane UNH IT Business Service Center, Durham, NH, 03824
Brief Comments: Hello. I have been trying to submit a 474 form for Erate reimbursement on behalf of the University of New Hampshire. We (UNH telecommunications) are a service provider who provides services to an eligible organization (Crotched Mountain). I have submitted the form several times and keep getting notified that our disbursement amount is \$0. I have called customer support several times to try and fix the issue. I was advised to enter specific dates but every time I followed the instructions given to me on the phone I still received the same email notification that our disbursement didn't go through. I called today and I think the issue is finally resolved. However, I was told that now I need to file an appeal because it is beyond 120 days from the end of the contract (Crotched Mountain is an on-going client of ours but I guess the end of the contract refers to the end of the fiscal year 6/30/17). I ask for a one-time extension or waiver of the 120 day deadline because I have made several attempts to resolve this issue and get my form submitted within the time window. USAC customer service has been friendly but I feel like I was given inaccurate and/or incomplete information when I called on numerous occasions.
Email Confirmation: Yes

For assistance with using ECFS, please contact the ECFS Help Desk at 202-418-0193 (tel:+12024180193) or via email at ECFSHelp@fcc.gov (mailto:ECFSHelp@fcc.gov).

Federal Communications Commission
445 12th Street SW, Washington, DC 20554
Phone: 1-888-225-5322
TTY: 1-888-835-5322
Videophone: 1-844-432-2275
Fax: 1-866-418-0232

Contact Us (<https://www.fcc.gov/contact-us>)



Federal Communications Commission
Washington, D.C. 20554

Memo

To: Jerry Hunter, for
Crotched Mountain Center

From: Ryan B. Palmer, Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission

Date: January 2, 2018

Re: DA 17-1217, released December 29, 2017

The attached Public Notice contains the Bureau's decision on your appeal. It may be referenced in the future by its document number and release date: DA 17-1217, Released December 29, 2017.

If the Bureau has granted your appeal, please contact the Universal Service Administrative Company (USAC) at 1-888-203-8100 for more information regarding your application. Please submit any information to USAC that the order may require. Once USAC has reviewed your application related to the issues resolved in the attached Public Notice, you will receive a revised funding commitment decision letter.

If the Bureau has dismissed or denied your appeal and you would like to seek reconsideration of that decision, the deadline to file a petition for reconsideration or application for review by the full Commission is 30 days from the release date. *See* 47 CFR §§ 1.106, 1.115. We encourage you to file your petition for reconsideration or application for review electronically using the Commission's electronic comment filing system (ECFS) at <https://www.fcc.gov/ecfs/filings>. On your filing, please include a reference to the proceeding, CC Docket No. 02-6.



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 17-1217

Released: December 29, 2017

STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 02-6

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.¹ The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from release of this Public Notice.²

Schools and Libraries (E-rate)
CC Docket No. 02-6

Dismissed on Reconsideration³

¹ See *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014). Section 54.719(b) of the Commission's rules provides that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Section 54.719(c) of the Commission's rules provides that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. 47 CFR § 54.719(b)-(c). In this Public Notice, we have reclassified as Requests for Waiver those appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review those appeals seeking a waiver of the Commission's rules but are actually seeking review of a USAC decision.

² See 47 CFR §§ 1.106(f), 1.115(d); see also 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

³ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

Joeten-Kiyu Public Library, MP, Application Nos. 171049471, 171049472, 171049473, Petition for Reconsideration, CC Docket No. 02-6 (filed Sept. 21, 2017)

Dismissed on Reconsideration - Untimely⁴

Diocese of Superior, WI, Application Nos. 161061788, 16101790, Request for Waiver, CC Docket No. 02-6 (filed Oct. 3, 2017)⁵

Granted⁶

Late-Filed FCC Form 471 Applications Filed Within 14 days of the Close of the Window⁷

Bishop Hogan Memorial School, MO, Application No. 171049037, Request for Waiver, CC Docket No. 02-6 (filed May 22, 2017)

Late-Filed Request for Extension of Deadline to Use Self-Provisioned Network⁸

King George County Schools, VA, Application No. 161026283, Request for Review or Waiver, CC Docket No. 02-6 (filed Nov. 30, 2017)

Waiver of Appeal Filing Deadline – USAC Error Resulted in Late-Filed Appeal⁹

⁴ See, e.g., *Petitions for Reconsideration by Rockwood School District and Yakutat School District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 13004, 13004, para. 2 (WCB 2011) (dismissing two petitions for reconsideration because they were filed more than 30 days after the Bureau's decisions).

⁵ Filed on behalf of St. Francis Solanus, No Application Number; St. Francis Xavier, No Application Number; St. Joseph, No Application Number; St. Mary, No Application Number; St. Anthony of Padua, No Application Number; St. Francis de Sales, Application No. 161061788; and St. Patrick, Application No. 161061790.

⁶ We remand these applications to USAC and direct USAC to complete its review of the applications, and issue a funding commitment or a denial based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. See 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline).

⁷ See, e.g., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9259, para. 8 (2010) (finding special circumstances exist to justify granting waiver requests where, for example, petitioners filed their FCC Forms 471 within 14 days after the FCC Form 471 filing window deadline).

⁸ See *Request for Waiver by Jemez Pueblo Tribal Consortium; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 17-1179, at 4-6, paras. 7-11 (WCB Dec. 6, 2017), 2017 WL 6261543 (granting a waiver of the deadline to request an extension of the deadline to complete construction and use a self-provisioned network by the end of the funding year when the extension request would have been granted if it had been timely filed, the applicant made significant, good faith efforts to extend the implementation deadline, and there was no evidence of waste, fraud, or abuse).

⁹ See, e.g., *Requests for Review and/or Requests for Waiver of Decisions of the Universal Service Administrator by Animas School District 6 et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16903, 16905, para. 4 (WCB 2011) (granting petitioners waivers of our filing deadline for

York County School District 1, SC, Application No. 161014481, Request for Waiver, CC Docket No. 02-6 (filed Oct. 23, 2017)

*Waiver of Appeal Filing Deadline – Appeal Submitted a Few Days Late*¹⁰

Iron County School District, UT, Application No. 171033333, Request for Waiver, CC Docket No. 02-6 (filed Dec. 13, 2017)

Denied

*Invoice Deadline Extension Requests*¹¹

Charlotte County Library, VA, Application No. 161059556, Request for Waiver, CC Docket No. 02-6 (filed Nov. 29, 2017)

Chickasaw Telecom, Inc. (Bartlesville School District), OK, Application No. 1025540, Request for Waiver, CC Docket No. 02-6 (filed Oct. 27, 2017)

Forestburg Independent School District, TX, Application No. 161017226, Request for Waiver, CC Docket No. 02-6 (filed Nov. 28, 2017)

Lincoln County School District, OR, Application No. 161045334, Request for Waiver, CC Docket No. 02-6 (filed Dec. 1, 2017)

River Bend Community School District 2, IL, Application No. 161031093, Request for Waiver, CC Docket No. 02-6 (filed Nov. 28, 2017)

Santa Rosa Consolidated School District, NM, Application No. 1045382, Request for Waiver, CC Docket No. 02-6 (filed Nov. 30, 2017)

University of New Hampshire – Department of Telecommunications (Crotched Mountain Center), NH, Application No. 161016159, Request for Waiver, CC Docket No. 02-6 (filed Nov. 3, 2017)

*Late-Filed FCC Form 471 Applications*¹²

appeals because their late-filed appeal would never have been necessary absent an error on the part of USAC). We remand this application to USAC for review. *See supra* note 6.

¹⁰ *See, e.g., See Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, 11019, para. 2 (WCB 2011) (waiving the filing deadline for petitioners that submitted their appeals to the Commission or USAC only a few days late). We make no finding on the underlying issues in this appeal and remand this application back to USAC to make a determination on the merits. *See supra* note 6.

¹¹ *See, e.g., Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 8 (WCB 2016) (denying requests for waiver of the Commission's invoice extension rule for petitioners that failed to demonstrate extraordinary circumstances justifying a waiver); *see also Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870, 8966, para. 240 (2014) (establishing that it is generally not in the public interest to waive the Commission's invoicing rules absent extraordinary circumstances); 47 CFR § 54.514.

¹² *See, e.g., Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of*

Breckenridge Public Schools, MN, Application No. 171049778, Request for Waiver, CC Docket No. 02-6 (filed Nov. 2, 2017)

Coffey County Library System, KS, Application No. 171011648, Request for Waiver, CC Docket No. 02-6 (filed Nov. 7, 2017)

Joseph Badger School District, OH, Application No. 171049721, Request for Waiver, CC Docket No. 02-6 (filed Oct. 20, 2017, supplemented Oct. 26, 2017)

Kootenai Technical Education Center, ID, Application No. 171049813, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2017)

Luxemburg-Casco School District, WI, Application Nos. 171049815, 171049816, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2017)

Osborn School District, MO, Application No. 171049712, Request for Waiver, CC Docket No. 02-6 (filed Oct. 17, 2017)

Pace School, PA, Application No. 171049824, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2017)

Santa Rosa Consolidated School District, NM, Application No. 161056872, Request for Waiver, CC Docket No. 02-6 (filed Nov. 2, 2017)

Tyler County Schools, WV, Application No. 171019206, Request for Waiver, CC Docket No. 02-6 (filed Aug. 28, 2017)

For additional information concerning this Public Notice, please contact Kate Dumouchel in the Telecommunications Access Policy Division, Wireline Competition Bureau, at kate.dumouchel@fcc.gov or (202) 418-1839.

- FCC -

Math and Science; Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (denying requests for waiver of the FCC Form 471 filing window deadline where petitioners failed to present special circumstances justifying waiver of our rules).

Jill Leavenworth

From: Cahoon, Luke <Luke.Cahoon@unh.edu>
Sent: Tuesday, August 21, 2018 3:40 PM
To: Jill Leavenworth
Subject: FW: USAC Notification: New Customer Service Case Created

From: portal@usac.org <portal@usac.org> **On Behalf Of** EPC Application Administrator
Sent: Monday, March 5, 2018 1:32 PM
To: Cahoon, Luke <Luke.Cahoon@unh.edu>
Subject: USAC Notification: New Customer Service Case Created

Caution - External Email



Hello,

The USAC Client Service Bureau has created the following case:

Description: Extension request
Priority: Medium
Created By: Jade Reynolds
Received: 3/5/2018 1:31 PM EST
Case Number: 226987

If the details of the case are not correct, you may view/modify the case record [here](#) or contact us by phone at (888) 203-8100.

Thank you.

Universal Service Administration Company

NOTE: Please do not reply to this email.

This message has been sent by EPC

| | | | |
|-----------------------|---|----------------------|--------------|
| ID | 1031295610502 | Proceeding | CC 02-6 |
| Name of Filer | 1 | | |
| Type of Filing | COMMENT | Filing Status | DISSEMINATED |
| Viewing Status | Unrestricted | | |
| Date Received | Mar 12, 2018 | Date Posted | Mar 13, 2018 |
| Address | 1 Leavitt Lane UNH IT BSC | City | Durham |
| ZIP | 03824 | State | NH |
| Brief Comment | <p>Hello. After several communications with USAC/ERATE I was advised to re-submit my FCC petition because my first petition may have lacked detail. I have worked closely with USAC over the last several months (and intensely over the last few weeks) to get a resolution to this issue. SPIN: 143006548 FRN: 1699032376 I have been trying to submit a 474 form for ERATE reimbursement on behalf of the University of New Hampshire. We (UNH Telecommunications) are a service provider who provides services to an eligible organization (Crotched Mountain). I have submitted the form several times and every time I have been notified that the disbursement amount would be \$0. I have called customer support several times to try and fix the issue. I was advised to enter specific dates but every time I followed the instructions I was given on the phone I would still receive notification of a \$0 disbursement. After several emails and phone calls I believe the issue has finally been resolved but I am now told that I need to petition to submit the 474 form since the deadline has passed. The University of New Hampshire has been a long standing service provider in the ERATE program. We have provided excellent service to our clients and have always been responsible in our filing requirements. This is the first year we've ever experienced an issue. It was a confluence of events that led to this problem. First, due to a unanticipated staffing change we were forced to have someone new to the process (me) attempt to file this form. I leaned heavily on support from customer service and unfortunately I believe I was given faulty information on the phone on multiple occasions. I have since become well versed in the program and this will not be an issue moving forward. I ask for a one-time exception to allow us to file our form 474 past the deadline. UNH is a financially strapped, public university and losing out on this reimbursement, for a service we provided, would be a legitimate financial hardship. Thank you very much for your time and consideration.</p> | | |

Jill Leavenworth

From: Cahoon, Luke <Luke.Cahoon@unh.edu>
Sent: Tuesday, August 21, 2018 3:13 PM
To: Jill Leavenworth
Subject: FW: USAC Notification: New Customer Service Case Created

From: portal@usac.org <portal@usac.org> **On Behalf Of** EPC Application Administrator
Sent: Thursday, June 7, 2018 12:42 PM
To: Cahoon, Luke <Luke.Cahoon@unh.edu>
Subject: USAC Notification: New Customer Service Case Created

Caution - External Email



Hello,

The USAC Client Service Bureau has created the following case:

Description: Ongoing issues with invoicing.
Priority: Medium
Created By: Shenice Reid
Received: 6/7/2018 12:42 PM EDT
Case Number: 239226

If the details of the case are not correct, you may view/modify the case record [here](#) or contact us by phone at (888) 203-8100.

Thank you.

Universal Service Administration Company

NOTE: Please do not reply to this email.

This message has been sent by EPC

Revised Funding Commitment Decision Letter

Funding Year 2016

Contact Information:

Luke Cahoon
University of New Hampshire - Dept. of
Telecommunications
IT Business Service Center
1 Leavitt Lane
Durham, NH 03824
luke.cahoon@unh.edu

SPIN: 143006548**Post Commitment Wave:** 50

Totals

| | |
|----------------------------------|--------------------|
| Original Commitment Amount | \$12,806.40 |
| Revised Commitment Amount | \$12,806.40 |

What is in this letter?

Thank you for submitting your post-commitment request for Funding Year 2016 Schools and Libraries Program (E-rate) funding. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. **FCC Form 486.** If your applicant(s) has not already filed the **FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, please make sure they review CIPA requirements and file the form(s).



Service Provider: University of New Hampshire - Dept. of Telecommunications

SPIN: 143006548

Post Commitment Wave: 50

2. **Make sure your applicant(s) file the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if they have not already done so. Please make sure they review the CIPA requirements and file the form(s).
 - **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
 - **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
3. **Invoice USAC**, if you or your applicant(s) have not already done so. Work with your applicant(s) to determine if you will bill them at a discounted rate or if they will request reimbursement from USAC after paying their bills in full.
 - **If the applicant is invoicing USAC:** They must pay you (the service provider) the full cost for the services they receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
 - **If you (the service provider) are invoicing USAC:** You must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, you must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and receive disbursements.
 - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Note: The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.



Service Provider: University of New Hampshire - Dept. of Telecommunications

SPIN: 143006548

Post Commitment Wave: 50

- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request, identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



Service Provider: University of New Hampshire - Dept. of Telecommunications

SPIN: 143006548

Post Commitment Wave: 50

Revised Funding Commitment Decision Overview

Funding Year 2016

| Funding Request Number (FRN) | BEN Name | Request Type | Revised Committed | Review Status |
|------------------------------|--------------------------|--------------|-------------------|---------------|
| 1699032376 | CROTCHED MOUNTAIN CENTER | Appeals | \$12,806.40 | Denied |



Service Provider: University of New Hampshire - Dept. of Telecommunications

SPIN: 143006548

Post Commitment Wave: 50

| | | |
|--|---|--|
| Post Commitment Request Number: 102875 | Post Commitment Request Type: Appeals | Post Commitment Decision: Denied |
|--|---|--|

| | | | |
|---------------------------|--|-----------------------------------|----------------------------------|
| FRN: 1699032376 | Service Type: Data Transmission and/or Internet Access | Original Status: Funded | Revised Status: Funded |
|---------------------------|--|-----------------------------------|----------------------------------|

| Dollars Committed | | | |
|----------------------------------|-------------|---------------------------------|--------|
| Monthly Cost | | One-Time Cost | |
| Months of Service | 12 | | |
| Total Eligible Recurring Charges | \$16,008.00 | Total Eligible One Time Charges | \$0.00 |
| Total Pre-Discount Charges | | \$16,008.00 | |
| Discount Rate | | 80.00% | |
| Revised Committed Amount | | \$12,806.40 | |

| Dates | |
|----------------------------------|-----------|
| Service Start Date | 7/1/2016 |
| Contract Expiration Date | 6/30/2017 |
| Contract Award Date | |
| Service Delivery Deadline | 6/30/2017 |
| Expiration Date (All Extensions) | |

| Service Provider and Contract Information | |
|---|---|
| Service Provider | University of New Hampshire - Dept. of Telecommunications |
| SPIN (498ID) | 143006548 |
| Contract Number | |
| Account Number | |
| Establishing FCC Form 470 | 160020430 |

| Billed Entity Information | |
|---------------------------|--------------------------|
| BEN Name | CROTCHED MOUNTAIN CENTER |
| BEN | 3217 |
| FCC Form 471 | 161016159 |

| Consultant Information | |
|------------------------|--|
| Consultant Name | |
| Consultant's Employer | |
| CRN | |

Revised Funding Commitment Decision Comments:

Post Commitment Rationale:

Your appeal is a request for a waiver of the invoice filing window. Federal Communications Commission (FCC) rules do not permit USAC to consider requests for waivers of FCC rules. If you believe there is a basis for further examination of your request, you may file a waiver request with the FCC. Detailed instructions for filing waiver requests with the FCC are available at: <http://www.usac.org/sl/about/program-integrity/appeals.aspx>